

**No. 83-918**

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In the  
**Supreme Court of the United States**

OCTOBER TERM, 1983

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DALE M. CARTER,

*Appellant,*

vs.

STATE OF ILLINOIS,

*Appellee.*

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On Appeal From The Illinois Supreme Court

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**REPLY BRIEF OF APPELLANT**

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DONALD PAGE MOORE  
35 East Wacker Drive  
Suite 2828  
Chicago, Illinois 60601  
312/641-1760  
*Counsel of Record  
for Appellant*

JO-ANNE F. WOLFSON  
35 East Wacker Drive  
Suite 3500  
Chicago, Illinois 60601  
312/263-7234  
*Counsel for Appellant*

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**I.**

The State suggests that appellant has no standing to attack the act. Two short answers:

1. The Illinois Supreme Court, after noting the standing issue, reached the merits. That means that under Illinois law appellant *does* have standing even though the Attorney General regrets it.

2. If anyone can ever have standing for federal law purposes in a criminal case it is the man who is convicted under a statute which is unconstitutional on its face and who challenges that conviction for that reason. The statute is either constitutional on its face or it isn't. If it is, then this appellant goes to prison. If it isn't, then he doesn't. That means he has standing.

II.

The State says that appellant "never argued to [the Illinois Supreme Court] that the language of Section 32 [the secrecy section] demonstrated the act's alleged unconstitutionality under the Fourteenth Amendment." Appellee's Motion p. 9. But in fact, appellant's Illinois Supreme Court brief, p. 5, charges that Section 12 "... also violates due process and the equal protection of the laws. Those violations are compounded by the additional delegation to the Attorney General of power to keep his orders secret from the public if he decides *that* is 'in the public interest.' (FDA §32)"

Respectfully submitted,

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DONALD PAGE MOORE

*Counsel of Record for Appellant*

JO-ANNE F. WOLFSON

*Counsel for Appellant*

DONALD PAGE MOORE

35 E. Wacker Drive

Suite 2828

Chicago, IL 60601

312/641-1760

JO-ANNE F. WOLFSON

35 E. Wacker Drive

Suite 3500

Chicago, IL 60601

312/263-7234